



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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MAILED

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Office of the Director
Group 3600

In re application of
Takao Kojima et al.
Application No. 09/922,917
Filed: August 7, 2001
For: PEDAL DEVICE FOR A VEHICLE
AND AUTOBILE USING THE SAME

DECISION ON PETITION
TO RESET A PERIOD
FOR REPLY

This is in reply to applicants' renewed petition to reset a period for reply due to late receipt of an Office action, received in the Patent and Trademark Office on June 2, 2003 and supplemented on June 19, 2003.

The petition is **GRANTED**.

A review of the file records reveals that an Office action, setting a one-month shortened statutory period for reply, was mailed to applicants on December 2, 2002. Since no timely filed response has been received and the six-month statutory time period for reply expired on June 2, 2003, the application is abandoned, although a Notice of abandonment has yet been mailed.

A petition to reset a period for reply was filed on March 19, 2003. That petition was dismissed in a decision mailed on May 2, 2003 wherein it was held that the petition lacked evidence showing receipt of the Office action at the correspondence address. Furthermore, it was also noted that the correspondence address on the copy of the Office action provided in the petition is different than that of the copy in the file records.

In the renewed petition, applicants argue that the change in correspondence address request received on March 27, 2003 is a copy of a request that was filed on August 7, 2002. A copy of that original change in correspondence address request was received on June 19, 2003. Included with the copy of the request is a postcard bearing a USPTO Mail Room receipt dated August 7, 2002. This is acceptable evidence of a timely submission of a change in correspondence address.

Applicants also argue that the copy of the Office action bears a "RECEIVED Dec 23, 2002 GROUP 3600" stamp and allege that the Office action may have been returned to the Office and remailed from there to the P.O. Box 14300 address. This appears to be the reason for the late receipt by applicant of the Office communication. Therefore, the holding of abandonment is withdrawn.

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The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to withdraw the holding of abandonment and restore the application to pending status. Since applicants have a copy of the December 2, 2002 Office action, the Office action will not be remailed. However, the period for reply will be reset to run one (1) month from the date of this decision.



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SNM/tpl: 6/20/03